

ORDINANCE NO. 2072

**AN ORDINANCE AMENDING SELAH MUNICIPAL CODE
SECTION 3.02.030, CONTAINERS, TO PROVIDE FOR
EXEMPTIONS; PROVIDING FOR SEVERABILITY; AND,
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Selah Community Development Department has identified that the City's existing code Section 3.02.030, Containers, does not adequately provide an exemption for screening of refuse/dumpsters of existing businesses and property owners who have their dumpsters located or accessed upon or thru an alley/public right-of-way and/or have insufficient space to construct a dumpster/refuse enclosure that can be serviced by the city's refuse provider;

WHEREAS, the Department, therefore, is recommending adoption of an amendment to Section 3.02.030 to address the same; and,

WHEREAS, the City Council of the City of Selah deems it to be in the public interest and for the general health, safety and welfare of the citizens of the City that the amendment to SMC 3.02.030 be adopted;

**NOW THEREFORE IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SELAH:**

Section 1. Section 3.02.030 of the Selah Municipal Code Amended.

Selah Municipal Code Section 3.02.030 is hereby amended to read as follows:

3.02.030 Containers.

No commercial refuse, garbage, rubbish, or recyclable material shall be disposed of within the city except by depositing same into a privately owned thirty-gallon container, a container provided by the contractor, which shall be a three-piece stackable recycling bin set, or such other container that may be provided by the contractor. Notwithstanding the foregoing, a person may deliver his/her/its recyclable materials to a recycling center, or may deliver his/her/its garbage or rubbish to a county landfill, but the minimum garbage charge shall be charged each month whether or not the service is used.

(1) The recycling bins shall be placed at the appropriate pick-up site on the schedule established by the contractor. Pick-up sites shall be at the curbside or in the alley, as designated by the

contractor. However, the contractor shall collect the recycling bins from the doorstep (or similar location) of any resident known to the contractor to have significant physical difficulty in placing the bins at curbside. The one-and-one-half-yard and two-yard bins shall be placed on a hard level surface, i.e., either blacktop or cement, which has a minimum width of four feet, a minimum length of seven feet, and a minimum thickness of three inches.

(2) The lids on all containers shall be kept closed at all times except when being filled or emptied. Containers shall not be filled above the top edge. For each container filled above its top edge, there shall be an additional charge for an additional container of the same size.

(3) Commercial refuse, rubbish, garbage, recyclable materials and other waste matter shall not be thrown, littered, or placed on any premises, street or alley, public or private property, or allowed to remain there by the owner, occupant or person in control of the premises.

(4) Tree branches shall not exceed five feet in length and shall be securely tied in bundles.

(5) No person shall deposit refuse, garbage, or rubbish in a container owned, controlled or possessed by another person without prior permission.

(6) Commercial establishments shall ensure that commercial and industrial refuse is deposited into containers and/or commercial/industrial bins screened from view, outside of the city right-of-way, within the commercial establishment's building envelope, and in conformity with City setback requirements. The enclosure used for screening of commercial and industrial containers/bins shall conform to the following:

(A) One side of the container/bin shall remain accessible for refuse removal and shall be screened by a solid gate with a minimum height of five feet. The gate shall be maintained in good working order and shall remain closed except when necessary to access the bin.

(B) Any side of a container/bin that is not used for access and is visible from a public right-of-way shall be screened from view by a solid wall with a minimum height of six feet. The wall shall be architecturally compatible with other buildings and structures on the site.

(C) Alternative screening methods may be permitted with the approval of the administrative official.

(D) Exemptions. The below exemptions only apply to existing businesses/properties and/or buildings. New construction or redevelopment of an existing property or building are required to comply with the provisions of SMC 10.08.170 (1– 3). Existing business and/or property owners who require exemption from the provisions of SMC 3.02.030 (6) (A– C) shall submit a letter to the City Administrator requesting relief from the provisions of the city’s refuse ordinances, the specific exemption applied for, and any supporting evidence. Submittal of a request for exemption does not guarantee relief from the provisions of the ordinances, and the Administrative Official may grant partial relief or require installation of alternative screening methods as provided for in SMC 3.02.030 (6) (C).

1. Existing businesses or properties which have historically been allowed by the City of Selah to locate and access their refuse dumpster from within the city’s alleys/public right-of-way;
2. Existing businesses or properties which have insufficient space to construct a dumpster enclosure outside of an existing alley/public right-of-way; and
3. Existing businesses or properties that have been identified by the City’s refuse provider as containing insufficient space to access a refuse dumpster if a dumpster enclosure was constructed.

(7) Commercial bins are not allowed in residential zones, except for multifamily dwellings consisting of three or more units under one roof. Two duplexes on the same lot will be allowed to have a commercial bin provided the bin is screened from view and is located within the allowable building envelope and does not violate the setbacks.

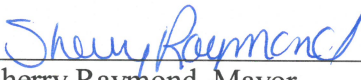
(8) All garbage containers placed for collection and disposal or removal of its contents on city right-of-way shall be placed no more than twenty-four hours prior to seven a.m. on the day scheduled for collection, and all such containers must be removed from the collection location and off of city right-of-way no later than twenty-four hours after seven a.m. of the day the garbage and recyclable materials were collected unless reasonable cause can be shown by the user of said garbage container for exceeding the time provided herein.

Section 2. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were

unconstitutional or invalid.


Section 3. Effective Date. This ordinance shall be in full force and effect 5 days after its passage and publication as required by law.

Done this 9th day of April, 2019.



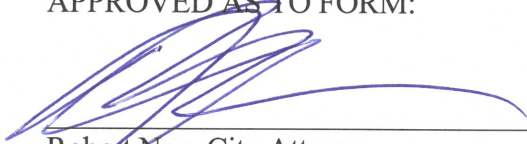
Sherry Raymond, Mayor

ATTEST:



Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:



Robert Noe, City Attorney

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